

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 427 - SB 432**

February 12, 2023

**SUMMARY OF BILL:** Deletes the designated time after completion of certain criminal sentences in which an eligible petitioner must wait before filing a petition for expunction.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Tennessee Code Annotated § 40-32-101(g)(2)(B) authorizes an eligible petitioner to file a petition for expunction if:
  - Five years have elapsed since the completion of the sentence imposed, if the offense is a misdemeanor or Class E felony; or
  - Ten years have elapsed since the completion of the sentence imposed, if the offense is a Class C or D felony.
- Tennessee Code Annotated § 40-32-105 authorizes a person whose status is that of a victim of human trafficking to file a petition for expunction after one year has elapsed since the completion of the sentence imposed for the petitioner's most recent criminal offense.
- The proposed legislation removes these waiting periods and authorizes an eligible petitioner to file a petition as soon as the charges against the petitioner are resolved. However, if a petition is filed while charges are pending against the petitioner, the court clerk must hold the petition until the charges are resolved.
- The proposed legislation will not impact the person's eligibility to file a petition nor the offenses for which expunction may be sought.
- Tennessee Code Annotated § 8-21-401(d)(3) authorizes a court clerk to charge a fee of up to \$100 for expunctions.
- The proposed legislation will impact the timing of expunction petitions being filed, which will lead to an increase in local revenue and expenditures in some years immediately following passage of this legislation followed by a decrease in local revenue and expenditures in following years until revenue and expenditures eventually level out.
- Due to multiple unknown variables, the exact impact to local government revenue and expenditures in any given year cannot be quantified but the net impact is assumed to be not significant.

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**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Krista Lee Carsner, Executive Director

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